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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.       |
|--|-------------|----------------------|---------------------|------------------------|
| 10/735,955   | 12/15/2003  | Werner Schnabel      | 071308.0496         | 3396                   |
| 31625  | 7590        | 01/12/2005           | EXAMINER            |                        |
| BAKER BOTTS L.L.P.<br>PATENT DEPARTMENT<br>98 SAN JACINTO BLVD., SUITE 1500<br>AUSTIN, TX 78701-4039 |             |                      |                     | WATKINS III, WILLIAM P |
| ART UNIT   |             | PAPER NUMBER         |                     |                        |
|  |             | 1772                 |                     |                        |

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

|                                    |                  |
|------------------------------------|------------------|
| Application No.                    | SCHNABEL, WERNER |
| Examiner<br>William P. Watkins III | Art Unit<br>1772 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 20 October 2004.  
2a) This action is **FINAL**.      2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-20 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. The examiner notes applicant's intention to submit the certified copy of the priority document at a latter date.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell (US 2002/0000215 A1) in view of Griffin (U.S. 2,372,485) or Gerson (U.S. 2,586,528).

Powell teaches a metal bushing for insertion into an opening in a plastic manifold in order to reinforce the opening for a fastener (abstract, Figure 9). Griffin (Figure 2) and Gerson (Figure 4) both teach forming indentations or grooves in bushings that mate with projections formed in the softer material that the bushing is inserted into in order to lock the

bushing in place. The instant invention claims various shapes of grooves and indentations in a metal bushing that is inserted into a plastic hole, where the indentations and grooves mate with projections from the sidewalls of the hole. It would have been obvious to one of ordinary skill in the art to have formed indentations and grooves on the metal insert of Powell in order to better lock it into place within the plastic hole because of the teachings of Griffin or Gerson. Specific size and location of the indentations and grooves is taken as being within the ordinary skill of the art depending on the desired amount of interlock force.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Griffin (U.S. 2,372,485) or Gerson (U.S. 2,586,528).

See the above rejection for a teaching of bushings, which are metal, that have indentations that receive projections from the wall of the surrounding substrate.

6. Applicant's arguments filed 20 October 2004 have been fully considered but they are not persuasive.

Regarding the 102 rejection of claim 20 by Griffin or Gerson, applicant argues that both references fail to teach a recess which interacts with a projection of a plastic piece. The examiner notes that "for an arrangement with a plastic piece" in the preamble of the claim is an intended use and not a positive recitation of structure. All that need be shown by the reference is the capability to interact with a projection on a plastic piece. Both references have recesses that are capable of holding a projection from a plastic piece and therefore are read on by the instant claim language.

Regarding the 103 rejection applicant argues that none of the references show a projection on the wall of hole the plastic piece or a recess on the insert, which interacts with it. The references must be taken as a whole. Powell teaches a compression limiter that is inserted into a bolthole in a plastic part and held in place by an interference fit (section

Art Unit: 1772

008). This interference fit would be enhanced by the shearing action of a recess such as taught by Griffin which would form a projection from the plastic wall of the hole upon being inserted into the hole, thus resulting in the instant claimed projection and interacting recess. This interference fit could be replaced by joining the plastic part to the insert by molding the plastic part around the insert with recesses as taught by Gerson, again resulting in the claimed structure of a projecting part of a wall interacting with a recess in a metallic insert. Applicant argues that the projecting feet of Powell teach away from the combination because they interact with an adjacent component and not the plastic part. The examiner disagrees because the projecting feet would remain, as the secondary references only modify the interference fit of the insert in the plastic piece and not the protection of the plastic part from the compression loads of the fastener, which is the function performed by the projecting feet of Powell.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this

Art Unit: 1772

action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/735,955  
Art Unit: 1772

Page 7

WW/ww  
January 9, 2005



**WILLIAM P. WATKINS III**  
**PRIMARY EXAMINER**